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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/736,208	12/15/2000	Masahiro Konishi	0905-0251P-SP	8537

2292 7590 09/28/2004

BIRCH STEWART KOLASCH & BIRCH  
PO BOX 747  
FALLS CHURCH, VA 22040-0747

EXAMINER
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JERABEK, KELLY L

ART UNIT	PAPER NUMBER
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2612

DATE MAILED: 09/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/736,208	KONISHI, MASAHIRO	
	<b>Examiner</b>	<b>Art Unit</b>	
	Kelly L. Jerabek	2612	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date: ____   |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____  | 6) <input type="checkbox"/> Other: ____                                     |

## **DETAILED ACTION**

### ***Specification***

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1-3 rejected under 35 U.S.C. 102(e) as being anticipated by**

**Hamamura et al. US 2003/0133021.**

Re claim 1, Hamamura discloses in figure 1 a digital still camera. The camera includes a CCD (103) for imaging a subject and outputting an image signal (page 1, paragraph 18). The camera also includes a taking lens (101) whose focal distance can

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be changed in accordance with a defocus amount received from MPU (21) and a rangefinder (15) for measuring the distance to the subject (page 2, paragraph 21). In addition, the camera includes an amplification circuit (111) for amplifying the image signal outputted from the CCD (103) (page 1, paragraph 19). Figure 5 discloses a flow chart of the operation of the camera during the FLASH ON subroutine. The under exposure determining unit (212) reads the number GN [1] from flash (18) corresponding to the gain of the amplification circuit (111) and divides GNo[1] by the open aperture value to obtain a flash emission effective for distance D [1] and a determination is made as to whether the distance D corresponding to the distance to the photographic subject obtained by the rangefinder (15) is longer than the distance D [1] (page 5, paragraph 60). Therefore, the camera includes a first judgment means (212) for judging whether or not the irradiation distance of a strobe is shorter than a distance to the subject that is measured by a distance measurement means. Finally, when the distance D corresponding to the distance to the photographic subject obtained by the rangefinder (15) is determined to be longer than the distance D [1], the gain of the amplification circuit (111) is increased to 2x a predetermined gain by gain setting unit (213) (page 5, paragraph 60). Therefore, the camera includes amplification factor control means (213) for increasing the amplification factor of the amplifier (111) when the irradiation distance of the strobe is determined to be shorter than the distance to the subject.

Re claim 2, Hamamura states that after a light adjustment IC (20) is alerted to the 2x gain exposure the under exposure determining unit (212) reads the number GNo [2]

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from flash (18) corresponding to the gain of the amplification circuit (111) and divides  $G_{no}$  [2] by the open aperture value to obtain a flash emission effective for distance D [2] and a determination is made as to whether the distance D corresponding to the distance to the photographic subject obtained by the rangefinder (15) is longer than the distance D [2] (page 5, paragraph 61). Therefore, the camera includes a second judgment means (212) for judging whether or not the image signal amplified by the amplification circuit (111) satisfies predetermined brightness. Finally, when the distance D corresponding to the distance to the photographic subject obtained by the rangefinder (15) is determined to be longer than the distance D [2], the gain of the amplification circuit (111) is increased to 2x the previously doubled gain by gain setting unit (213) (page 5, paragraph 61). Therefore, the camera includes amplification factor control means (213) further increases the amplification factor of the amplifier (111) when the second judgment means (212) judges that the subject image represented by the amplified image signal does not satisfy a predetermined brightness.

Re claim 3, see claim 1.

### ***Contacts***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kelly L. Jerabek whose telephone number is 703-305-8659. The examiner can normally be reached on Monday - Friday (8:00 AM - 5:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on 703-305-4929. The fax phone number for submitting all Official communications is 703-872-9306. The fax phone number for submitting informal communications such as drafts, proposed amendments, etc., may be faxed directly to the Examiner at 703-746-3059.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KLJ

  
NGOC-YEN WU  
PRIMARY EXAMINER